

REMARKS

Reconsideration of the present application is respectfully requested. Claims 33, 54, and 61 have been amended. No claims have been added or cancelled. Thus, claims 33-36, 41-49, 54-57, and 59-71 remain pending.

Applicants wish to thank the Examiner for the courtesy of an interview on Thursday, July 13th.

Claim 61 was rejected under 35 U.S.C. § 112, second paragraph, as having insufficient antecedent basis for a limitation within the claim. Claim 61 has accordingly been amended to provide sufficient antecedent basis. Therefore, the Applicants respectfully request withdrawal of the rejection.

Claims 33-36, 41-49, 54-57 and 59-62 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,636,259 of Anderson, et al. (hereinafter "Anderson"). The Applicants respectfully disagree because Anderson fails to teach or suggest each and every element of the invention claimed by the Applicants in claims 33-36, 41-49, 54-57 and 59-62.

Anderson describes a system where cameras are associated with an entity so that the entity camera pictures can be uploaded onto an entity specific website maintained by an online photo-sharing service (Anderson, Column 3, line 25 to Column 4, line 67; Abstract). Further, entity cameras can automatically establish an account with a photo-sharing service based on user information that is stored in the camera's EEPROM, stored in the camera's flash memory, or based on a combination of the camera's serial number, camera's make number, and camera's model number (Anderson, Column 6, line 22 to Column 7, line 20). The account information is generated by a server and stored on the camera so that a user need not later enter

account information when accessing a website hosting the user's digital images (Anderson, Column 10, lines 37-47; Column 11, lines 20-27). Further, entity cameras can automatically establish an account with a photo-sharing service associated with camera identification information when pictures are transferred from the camera to the photo-sharing service (Anderson, Figure 4A, elements 116-120). For requests to upload images, account information is transmitted with the digital images to a gateway server. After matching the account information with an account, the images are stored in an account database (Anderson, Figure 2; Column 7, line 62 to Column 8, line 4). If the request to upload images is a first request, the images are uploaded to and stored in a temporary account, which is fully accessible by a user (Anderson, Column 11, lines 57-67).

With respect to claims 33-36 and 41-49, the Applicants claim in claim 33, as amended:

- A system facilitating uploading of digital images from a digital camera, the system comprising:
 - a Web site for hosting said digital images captured by the digital camera;
 - a transport mechanism for uploading the digital images from the digital camera to a user account at the Web site, said user account being pre-provisioned for the digital camera;
 - a module for automatically associating the digital images uploaded to the Web site with the pre-provisioned user account and thereafter providing on-line access to the digital images, without requiring a user to manually set up the user account;
 - a provisioning information module that generates a unique device ID that is used by an accounting management module for associating the digital images with a particular cellular phone device used by the digital camera to upload digital images; and
 - a buffered image storage module to temporarily store the digital images during uploading prior to determining the pre-provisioned user account associated with the unique device ID.

Anderson does not teach “a buffered image storage module to temporarily store the digital images during uploading prior to determining the pre-provisioned user account associated with the unique device ID.” As is illustrated by Anderson, in Figure 1, a gateway server communicates with cameras and matches account information stored in each camera with entity accounts in a database. Upon receiving an upload request, Anderson explicitly teaches directly storing digital images in a user database account, whether the account is temporary or permanent, after entity specific account information for a particular camera has been determined (Anderson, Column 8, lines 2-4; Column 11, lines 57-67). However, teaching that digital images may be stored directly in a database account, even if the account is temporary, fails to describe “a buffered image storage module to temporarily store the digital images during uploading prior to determining the pre-provisioned user account associated with the unique device ID.”

Therefore, the Applicants respectfully submit that Anderson fails to teach or suggest “a buffered image storage module to temporarily store the digital images during uploading prior to determining the pre-provisioned user account associated with the unique device ID” as claimed by the Applicants in claim 33, and therefore claims 34-36 and 41-49 which depend on claim 33. Therefore Anderson fails to anticipate claims 33-36 and 41-49 under 35 U.S.C. § 102 for at least the reasons discussed above. Applicants respectfully request withdrawal of the rejections.

With respect to claims 54-57 and 59-60, the Applicants claim in claim 54, as amended:

An apparatus for automating activation of a user account associated with a user-operated device, comprising:

a Web site to host user data transferred by the user-operated device;

a transport mechanism to enable uploading of the user data from the user-operated device to a user account at the Web site, the user account being pre-provisioned for the user-operated device;

a module for automatically associating the user data uploaded to the Web site with the pre-provisioned user account based on a unique device ID of the transport mechanism, and thereafter providing on-line access to the user data, such that the user need not manually establish the user account at the Web site;

an identification module to determine if the data transferred by the user-operated device is from a valid type of user-operated device; and

a buffer to temporarily store the user data prior to determining the user account associated with the unique device ID.

As noted above, Anderson teaches that a server matches account information stored in a camera with a user account before uploading images to an image database account (Anderson, Figure 2; Column 7, line 62 to Column 8, line 4; Column 11, lines 20-27).

However, so long as the account information matches an account within the database described by Anderson, Anderson teaches uploading digital photographs (Anderson, Figure 2). Anderson does not address user-operated device types at all. Thus Anderson fails to teach or suggest “an identification module to determine if the data transferred by the user-operated device is from a valid type of user-operated device,” as claimed by the Applicants in claim 54, and thus claims 55-57 and 59-60. Therefore, Anderson fails to anticipate claims 54-57 and 59-60. Applicants respectfully request withdrawal of the rejections.

With respect to claims 61 and 62, the Applicants claim in claim 61 as amended:

A system to enable automatic provisioning of a new user account comprising:

a receiving logic to receive data from a peripheral device, coupled to a digital camera, having a unique device ID, the data destined for storage on a repository on the system;

an account management module to automatically establish a user account, including creating a user identifier (ID) based, at least in part, on said unique device ID assigned to the peripheral device;
a media gateway to associate the data with said user ID;
such that an account is automatically created for the owner of the peripheral device, without requiring the user to first set up a user account, or any additional information to be stored on the peripheral device; and
a module allowing a user to specify a user name and password for the user account that has been automatically established, wherein online access to the data is predicated upon user input of the user specified user name and password.

As discussed above, Anderson teaches storing server generated account information in a memory of a camera (Anderson, Column 10, lines 37-47). Anderson then explicitly recites “the present invention eliminates the need for the user to type in information to establish a web site accounts” (Anderson, Column 11, lines 20-27). Therefore, Anderson explicitly teaches away from “a module allowing a user to specify a user name and password for the user account that has been automatically established, wherein online access to the data is predicated upon user input of the user specified user name and password,” as claimed in claim 61. Therefore, claims 61 and 62 are not anticipated by Anderson under 35 U.S.C. § 102, and the Applicants respectfully request withdrawal of the rejections.

Claims 63-71 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of U.S. Pat. App. Pub. No. 2002/0164977 of Link II, et al. (hereinafter “Link II”). The Applicants do not admit that Link II is prior art and reserve the right to swear behind Link II at a later date.

As noted above, Anderson associates digital images uploaded to a website with a particular camera (Anderson, Figure 4A, elements 116-120). Link II describes providing targeted advertisements to wireless communications devices that are in close

proximity to an advertiser (Link II, Abstract, Paragraph 0025). Advertisers register with the system described by Link II, and are provided When a wireless communications device enters a particular cell, the wireless device registers with the cell by passing information to a central controlling unit (Link II, Paragraphs 0028-0038). Based on the received information, the central controlling unit sends the cellular device advertisements on behalf of advertisers within the particular cell or nearby cells (Link II, paragraphs 0040-0044). A user of a wireless device, however, may register with a website with a unique username and password to either opt out of the targeted advertising or select advertising preferences (Link II, paragraph 0057).

With respect to claims 63-71, the Applicants claim in claim 63:

A method facilitating uploading of user data from a user-operated device, the method comprising:
receiving a transfer request from a cellular phone having a unique device ID, to transfer data to a Web site from the user-operated device;
determining if there is a user account associated with the unique device ID, and if so, associating the user data with the user account;
if there is no user account associated with the unique device ID, establishing a user account automatically at the particular Web site, including creating a user identifier (ID) based, at least in part, on said unique device; and
upon a first user request for data from the website, receiving the entry of a user defined login and password for providing access to data on the Website, and associating the user defined login and password with the user account.

The Applicants respectfully submit that neither Anderson, nor Link II, alone or in combination, teach or suggest each and every feature as claimed in claim 63, and its dependent claims 64-71. As noted above, Anderson discloses that digital images uploaded to a photo-sharing service are associated with ID information of a camera (Anderson, Column 10, lines 15-37). Then after the user account is established for the specific camera, information for accessing the new user account is returned to the

camera so that pictures uploaded to the service are thereafter associated with the specific camera (Anderson, Column 10, lines 37-53; Figure 4B). As such, each user account is associated with a single camera regardless of how the pictures are uploaded to the photo-sharing website. Thus Anderson fails to teach or suggest associating data uploaded from a user-operated device with a cellular phone device, as claimed in claim 63. Rather, Anderson merely notes that a camera could be provided with or connected to a cellular device.

While Link II discusses the use of cellular phone devices in a targeted advertising system, Link II does not teach or suggest associating data uploaded from a user-operated device with a cellular phone device. Therefore, neither Anderson nor Link II, alone or in combination, teaches or suggest associating data uploaded from a user-operated device with a cellular phone device.

Furthermore, the Examiner admitted that Anderson fails to describe or suggest “upon a first user request for data from the website, receiving the entry of a user defined login and password for providing access to data on the Website, and associating the user defined login and password with the user account” (Office Action, mailed 4/18/06, page 13). The Examiner therefore introduced Link II. However, Link II fails to teach that the “unique” username and password are specified by a user. Rather, the only location in Link II where “unique” user names and passwords are mentioned is in the discussion of advertiser registration. In that discussion, a “unique” user name and password are assigned after registration and not specified by a user upon a first user request for data (See Link II, paragraph [0050]). Therefore, Link II also fails to describe or suggest “upon a first user request for data from the website, receiving the entry of a

user defined login and password for providing access to data on the Website, and associating the user defined login and password with the user account.” Thus, Anderson and Link II, alone or in combination, fail to describe or suggest “upon a first user request for data from the website, receiving the entry of a user defined login and password for providing access to data on the Website, and associating the user defined login and password with the user account.”

Furthermore, one skilled in the art would not be motivated to combine Anderson and Link II because there is no suggestion within the references to make such a combination. In fact, Anderson explicitly teaches away from such a combination. Anderson states a “server uses the unique camera information to set up a user account” that “eliminates the need for the user to type in information to establish a web site accounts” (Anderson, Column 10, lines 37-47; Column 11, lines 24-27). Thus, one skilled in the art would be counseled away from combining Anderson with a reference that provides for entering and utilizing a user-specified username and password.

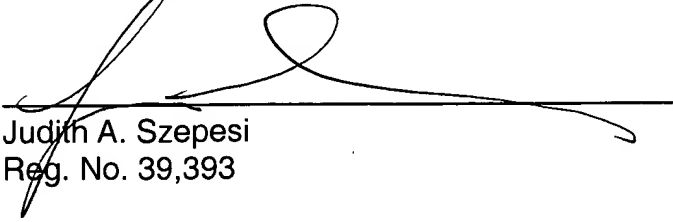
Therefore, claims 63-71 are not rendered obvious by Anderson in view of Link II. The Applicants respectfully request withdrawal of the rejections.

If a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Judith Szepesi at (408) 720-8300.

If there are any additional charges/credits, please charge/credit our deposit
account no. 02-2666.

Respectfully submitted,
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